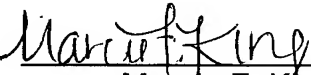


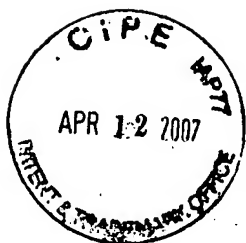


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Marcie F. King



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher E. Fischer et al.
Appl. No.: 10/780,122
Filed: February 17, 2004
Docket No.: 2034
Conf. No. 6476
Art Unit: 1734
Title: **DECORATIVE TIRE COVER AND TRANSFER PATTERN AND
METHOD FOR USE THEREWITH**
Examiner: Mazumdar, Sonya

Action: **APPEAL BRIEF**
Date: April 10, 2007

To: Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal is from the final rejection of claims 10-15 and 17-21 in the above-referenced patent application. A Notice of Appeal was mailed by Appellants on October 3, 2006, with a certification pursuant to 37 C.F.R. § 1.8, and was received by the Patent Office on October 10, 2006. The Appeal Brief is due two months from the date received. Filed concurrently herewith is a request for a four (4) month extension of time so that the Appeal Brief is due April 10, 2007.

In compliance with 37 C.F.R. § 41.37 and M.P.E.P. 1205.02, Appellants submit the following as their Appeal Brief in this matter through the undersigned attorney or agent of record.



I. REAL PARTY IN INTEREST

The real party in interest for purposes of this appeal is BOOMERANG ENTERPRISES, INC., assignee of record, of 2985 Sterling Court, Boulder, CO 80301.

II. RELATED APPEALS AND INTERFERENCES

This is the first time that Appellants have appealed the rejection of this application. There are no other appeals or interferences known to the Appellant or the Appellants' legal representatives that will have a bearing on the Board's decision to be rendered in this Appeal.

III. STATUS OF CLAIMS

Claims 1-15 and 17-43 are currently pending in the application. Claims 10-15 and 17-21 have been finally rejected and are hereby appealed. Claims 1-9 and 22-42 were withdrawn in an August 16, 2005 Response To Restriction Including Election Without Traverse. Claims 10, 17 and 18 were amended and claim 16 was cancelled and rewritten in independent form as claim 43 in an Amendment dated February 28, 2006. Claim 43 has been allowed.

IV. STATUS OF AMENDMENTS

The Examiner's Office Action, dated April 6, 2006, was in response to Appellants' Amendment of February 28, 2006. Appellants filed their Notice of Appeal on October 3, 2006. Attached hereto as CLAIMS APPENDIX is a copy of the current version of pending, cancelled and withdrawn claims 1-43.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter disclosed is broadly directed to decorative patterns applied to surfaces. More particularly, the present invention relates to transfer patterns for use in transferring a design to the surface of an article of manufacture. Specifically, the present invention relates to a transfer pattern for use in transferring a design having a reflective material as a component thereof, and a decorative tire cover having a design transferred by the transfer pattern of the present invention.

As described beginning on page 7, line 22 of the specification, Figure 1 shows that a tire cover 10 according to the present invention is of a generally cylindrical cup-shape for fitting over an automobile tire that has a tread surface, an annular sidewall surface and a wheel area. Tire cover 10 includes a design 16 according to the present invention disposed thereon.

As described beginning on page 8, line 13 of the specification, Figure 2 shows a first embodiment of a design 16 that preferably includes reflective portions 18 and colored portions 20 adjacent reflective portions 18. The term "reflective" relates to materials that incorporate a plurality of glass particles operative to reflect light received from a light source. Materials that are "non-reflective" include materials that do not incorporate such glass particles, or which incorporate such glass particles in minimal quantities or concentrations.

As described beginning on page 9, line 18 of the specification, making reference to Figure 4, transfer pattern 30 includes a substrate layer 32, a first pigmented layer 34, which is formed of a reflective material as described herein, a second pigmented material layer 36, and an adhesive layer 38. First pigmented material layer 34 is formed of reflective material 18, and second pigmented material layer 36 is preferably formed of non-reflective material 20, although second

pigmented material layer 36 may alternatively also be formed of a material having some degree of reflectance.

As described beginning on page 11, line 6 of the specification, second pigmented material 20 may be a non-reflective ink material of numerous colors as known in the art for screen printing, such as traditional inks, and acrylic based inks in particular, which are commonly used on vinyl and similar materials. Alternatively, second pigmented material 20 may include reflective properties similar to reflective material 18.

As described beginning on page 12, line 3 of the specification, the production of transfer pattern 30 is shown with respect to Figures 4 – 6. In particular, as shown in Figure 5, reflective material 18 is first applied to substrate layer 32 to form first pigmented material layer 34 disposed on substrate layer 32. As shown in Figure 6, non-reflective material 20 is next applied on top of reflective first pigmented material layer 34 to form second pigmented material layer 36. As shown again with reference to Figure 4, adhesive material 37 is next applied to second pigmented material layer 36 and to the exposed portions of reflective first pigmented material layer 34 in voids 21 thereby to create an adhesive layer 38 covering only the design portions of transfer pattern 30.

As described beginning on page 12, line 24 of the specification, the application of a design by use of transfer pattern 30 is demonstrated with reference to Figures 7 - 9. First, tire surface region 14 is placed on a flat working surface to which uniform heat and pressure can be applied, thereby to present application surface 40 of tire surface region 14. Next, if present, the optional protective backing is removed, thereby to expose adhesive layer 38 having appropriately gelled adhesive 37, if necessary. As shown in Figure 8, application can occur when

adhesive layer 38 of transfer pattern 30 is placed adjacent application surface 40. Thereafter, substrate layer 32 and portions of reflective first pigmented material layer 34 are removed, as shown in Figure 9, such as by manually peeling away substrate layer 32. It should be appreciated that those portions of reflective material 18 and non-reflective material 20 which are adjacent adhesive 37 in transfer pattern 30 will become adhered to working surface 40. Conversely, reflective material portions 18' which are not adjacent adhesive 37 in transfer pattern 30 will remain disposed on substrate layer 32 when that layer is peeled away. Accordingly, only the desired pattern of reflective material 18 and non-reflective material 20 becomes adhered to working surface 40 by the action of adhesive 37. A tire cover 10 accordingly results that has design 16 bonded thereto, as shown in Figures 1 and 2.

As described beginning on page 14, line 10 of the specification, a second embodiment of a transfer pattern according to the present invention is described with reference to Figures 10 - 13. As shown in Figure 10, transfer pattern 230 is similar to pattern 30 shown in Figure 4, except that two types of adhesive, 237 and 237' respectively, are used. Additionally, a release layer 250 is provided between reflective first pigmented material layer 234 and second pigmented material layer 236, thereby to reduce or prevent adherence of reflective first pigmented material layer 234 to second pigmented material layer 236.

As described beginning on page 15, line 1 of the specification, transfer pattern 230 may be adhered to a tire cover surface region 214 in the manner shown with respect to Figures 12 and 13. As shown with respect to Figure 12, transfer pattern 230 is inverted and adhesives 237 and 237' are affixed to tire cover surface region 214 in the manner described with reference to transfer pattern 30 in Figures 7 - 9. Substrate layer 232, a portion of reflective layer 234, and release layer 250 are then

peeled away, as shown in Figure 13, leaving a design having a portion of reflective layer 234 adhered to adhesive 237 and having second pigmented material layer 236 adhered to adhesive 237'.

As described beginning on page 15, line 21 of the specification, a third embodiment of a transfer pattern according to the present invention is demonstrated with respect to Figures 14 -19. With reference to page 16, lines 17-25 of the specification, after the transfer pattern 130 is placed adjacent to the application surface 140, the substrate layer 132 and portions of the reflective layer 134 are removed, as shown in Figure 19.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are Appealed:

A. Has the Examiner established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) in rejecting claims 10 through 15 and 17 through 21 as being unpatentable over U.S. Patent No. 5,921,449 to Saegusa et al. ("Saegusa") in view of U.S. Patent No. 5,916,399 to Olsen ("Olsen") and U.S. Patent No. 4,605,461 to Ogi ("Ogi")?

VII. ARGUMENT

A *prima facie* case of obviousness requires that the prior art reference (or references when combined) teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q. 2d 1438 (Fed. Cir. 1991); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) ("All words in a claim must be considered in judging patentability of that claim against the prior art."); MPEP §2143.03.

Further, a *prima facie* case of obviousness also requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *In re Vaeck*, supra; *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q. 2d 1941 (Fed. Cir. 1992). In establishing a *prima facie* case of obviousness under 35 U.S.C. §103, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. See *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int. 1985). Furthermore, where modifying the reference would destroy the intent, purpose, or function of the reference, it is improper to make a rejection under 35 U.S.C. §103. Where modifying the reference would destroy the intent, purpose, or function of the reference, there is no technological motivation for the modification; in fact, there is a disincentive to make such a modification. See *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125.

The requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from the applicant's disclosure. See, e.g., *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1052, 5 U.S.P.Q.2d 1434 (Fed. Cir.), *cert denied*, 488 U.S. 825 (1988); *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (The teaching or suggestion to make the claimed combination must not be based on applicant's disclosure); MPEP §2142. That is, it is improper to use hindsight reconstruction of the claimed invention using the applicant's structure as a template. *In re Gorman*, 18 U.S.P.Q. 2d 1885 (Fed. Cir. 1991). When the only suggestion to combine the teachings of the references in the manner proposed by the Examiner is found in the hindsight accorded one who first views the applicant's disclosure, an

obviousness rejection under 35 U.S.C. §103 is improper. See *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

It is axiomatic that the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art *suggests the desirability of doing so*. See *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984); *In re Mills*, 916 F. 2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990); MPEP § 2143.01 Further, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993).

At the outset, we note that each of the claims discussed herein are different in scope. We adopt the Examiner's format for discussing claims for convenience only, but emphasize that adoption of the format is not a concession of equivalence.

A. The Examiner has failed to established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) in rejecting claims 10, 11, 17 and 18 as being unpatentable over Saegusa in view of Olsen and Ogi.

i. The Cited References Do Not Teach or Suggest All The Claim Limitations

A *prima facie* case of obviousness requires that the prior art reference (or references when combined) teach or suggest all the claim limitations. See *In re Vaeck*, supra. Independent claim 10 and dependent claims 11, 17 and 18 include the recitation "removing said substrate thereby to remove portions of said first pigmented layer."

With respect to these claims, it is the Examiner's contention that Olsen teaches a method for forming retroreflective graphic images on a surface (column 1,

lines 8-11). Olsen discloses a transfer sheet of retroreflective material, however, the transfer sheet of Olsen is used differently than the transfer pattern of the present invention. With reference to Figures 1 and 2, Olsen teaches a transfer sheet wherein carrier 14, comprising base sheet 16 and heat-softenable layer 18, is removed upon application of the emblem or design 32 to the substrate 30. However, it does not teach the present removal of a substrate 32 thereby to remove portions of a first pigmented layer 34 (see Figures 8 and 9). In Olsen, no such first pigmented layer is removed.

With regard to Ogi and claims 10, 11, 17 and 18, it is the Examiner's contention that Ogi teaches a method of transferring a retroreflective pattern from a sheet onto a fabric surface where, in removal of a base film (22), portions of a colored transparent film (30) are also removed (abstract; column 2, line 59 - column 3, line 10; Figure 2). Ogi discloses a transfer sheet of retroreflective material, however, the transfer sheet of Ogi is, again, employed differently than the transfer pattern used in the present method. Ogi teaches a transfer sheet wherein a bi-layer, colored transparent film 30 and metal film 32, is applied or removed, optionally with or without glass spheres 26. Thus, while Ogi teaches the application or removal of a bi-layer of colored and metal film, it does not teach the claim 10's recitation regarding removal of a substrate 32 thereby to remove portions of a first pigmented layer 34 (see Figures 8 and 9). In Ogi, the disclosure does not teach how to discriminately remove a pigmented layer 34.

ii. No Suggestion Or Motivation To Modify The Reference Or Combine Reference Teachings

A *prima facie* case of obviousness also requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See *In re Vaeck*, supra.

With regard to Saegusa and Olsen, it is the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the transfer pattern to make an image on the sidewall panel of the tire cover. The Examiner contends that one would have been motivated to do so because the graphic images produced are used for multi-colored emblems or designs and could be potentially used for safety procedures (column 6, lines 8-11). Respectfully, the passage cited in Olsen merely discusses that, with reference to certain segments of sheet material 10, the microspheres 12 in these segments are printed with the color layer 22 but not the reflective layer 26. Further, the passage discusses that the segments have colored graphics but that the graphics are not intended to be retroflective. Furthermore, contrary to Examiner's assertion, the citation makes no mention of safety features. Even more importantly, no mention is made of tire covers. The mere fact that Olsen discusses production of a color image does not suggest or motivate the combination of Saegusa and Olsen to use the present disclosed methods, which as we have discussed is not taught by Olsen, on a tire cover. Rather, in the present case, there is no reasonable, non-hindsight reason to combine the references. Furthermore, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. See *In re Gordon*, supra.

With regard to Ogi, the Examiner has failed to cite any specific suggestion or motivation to modify the reference or combine reference teachings. As a result, Examiner has failed to establish a *prima facie* case of obviousness.

To summarize, neither Olsen or Ogi discloses removal of a substrate 32 thereby to remove portions of a first pigmented layer 34 (see claim 10 and Figures 8 and 9). Further, the cited references fail to provide any suggestion or motivation to modify a reference or combine reference teachings to arrive at the present claims. Lastly, assuming for arguments sake that there was some suggestion or motivation, by combining Saegusa, Olsen and Ogi, one would still not have arrived at the present disclosure. Rather, one would arrive at a transfer sheet wherein: a) per Olsen, a carrier 14 is removed upon application of the emblem or design 32 to the substrate; and/or b) per Ogi, a bi-layer of colored and metal film is applied or removed. Clearly, the removal of a substrate 32 thereby to remove portions of a first pigmented layer 34 is not disclosed. As a result, Applicant respectfully offers that claims 10, 11, 17 and 18 are not obvious under 35 U.S.C. 103(a) and should be allowed.

B. The Examiner has failed to established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) in rejecting claim 13 as being unpatentable over Saegusa in view of Olsen and Ogi.

i. The Cited References Do Not Teach or Suggest All The Claim Limitations

It is recalled that a *prima facie* case of obviousness requires that the prior art reference (or references when combined) teach or suggest all the claim limitations. See *In re Vaeck*, supra. Claim 13 includes the recitation "wherein said second

pigmented material includes a plurality of glass particles operative to reflect light received from a light source.”

It is the Examiner's contention that Olsen teaches that the second pigmented material in the transfer pattern has retroreflective properties. It is the Examiner's assertion that the graphic segments in the layers, which are both colored and retroreflective, can be illuminated with a light beam which brilliantly retroreflects in the color of the underlying graphic design (column 8, lines 30-32). While there may be such a cumulative effect of Olsen's color layer 22 and reflective layer 26, nothing in Olsen suggests the second pigmented material including a plurality of glass particles operative to reflect light received from a light source. Rather, Olsen discloses a transfer pattern in which a first retroreflective layer 26 is applied to bonding layer 28. The second applied material is the color layer 22. The second applied color layer 22 does not include glass particles (see Olsen col. 4, lines 13-30). As such, Olsen does not disclose the teachings of claim 13.

ii. *No Suggestion Or Motivation To Modify The Reference Or Combine Reference Teachings*

A *prima facie* case of obviousness also requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See *In re Vaeck*, supra.

In addressing claim 13, it is the Examiner's contention that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have prepared the second pigmented material in the transfer pattern to have retroreflective properties. The Examiner contends that one would have been

motivated to do so because the color layer filters the light rays as they pass through the colorant of the color layer, and the filter action produces a color hue in these light rays (column 8, lines 35-38). This is completely contrary to the teaching of Olsen. Olsen teaches the production of a substrate upon which is layered, in order, a bonding layer 28, an optional reflective layer and an optional color layer 22. The order is expressly described in column 5, lines 15-27. Olsen teaches, in part, that "[i]n locations where the color layer and the reflective layer overlap, the color layer is disposed between the microspheres and the reflective layer to provide a segment of the sheet material which is capable of retroreflecting the color of the color." Thus, the transfer sheet's second applied color layer 22 would not provide any function in being retroreflective. Rather, it would render the teaching of Olsen moot and redundant, i.e. applying a retroreflective layer upon a retroreflective layer. Where modifying the reference would destroy the intent, purpose, or function of the reference, there is no technological motivation for the modification; in fact, there is a disincentive to make such a modification. *In re Gordon*, supra.

C. Because the Examiner has failed to established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) with regard to claim 10, claims 11 through 15 and 17-21 are nonobvious


If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Since claim 10 is nonobvious for the reasons stated above, claims 11 through 15 and 17 through 21 that depend from claim 10, in addition to the reasons already stated, are nonobvious.

IX. CONCLUSION

Based on the foregoing, Appellants submit that all claims 10 through 15 and 17 through 21 are allowable. Further, Appellants maintain that the Examiner has improperly rejected the appealed claims of this application and has improperly failed to enter allowance in this case. As argued above, the application discloses and claims an invention not obviated by the applied references either alone or in combination. Therefore, Appellants respectfully request that the Board reverse the Examiner's decision and grant allowance of these claims.

Respectfully submitted,

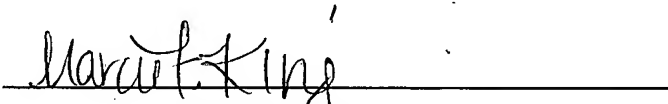
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Marcie King

CLAIMS APPENDIX

1. (Withdrawn) An article of manufacture having a reflective design thereon, comprising:

- (a) a substrate having a display surface adapted to display the design;
- (b) at least one adhesive material disposed on said display surface in a primary design pattern that has at least a first design portion and a second design portion;
- (c) a first pigmented material arranged in a first design pattern that is congruent with said first design portion and that is adhered to said display surface by said at least one adhesive material,
 - (1) said first pigmented material including a plurality of glass particles operative to reflect light received from a light source; and
- (d) a second pigmented material arranged in a second design pattern that is congruent with said second design portion and that is adhered to said display surface by said at least one adhesive material.

2. (Withdrawn) An article according to claim 1 wherein said substrate is a flexible substrate.

3. (Withdrawn) An article according to claim 1 wherein said glass particles function as retroreflective lenses.

4. (Withdrawn) An article according to claim 1 wherein said second pigmented material includes a plurality of glass particles operative to reflect light received from a light source.

5. (Withdrawn) An article according to claim 1 wherein said second pigmented material does not include a plurality of glass particles operative to reflect light received from a light source.

6. (Withdrawn) An article according to claim 1 wherein said first pigmented material is colored a first color and wherein said second pigmented material is colored a second color that is different from said first color.

7. (Withdrawn) An article according to claim 1 wherein said first pigmented material is adhered to said display surface by a first adhesive material and wherein said second pigmented material is adhered to said display surface by a second adhesive material that is different from said first adhesive material.

8. (Withdrawn) An article according to claim 1 wherein said first design portion is contiguous with at least some of said second design portion.

9. (Withdrawn) An article according to claim 1 wherein said first design portion is not contiguous with said second design portion.

10. (Previously presented) A method of manufacturing a tire cover adapted to extend over a tire that includes a tread surface, an annular sidewall surface and a wheel area, comprising:

(a) forming a material in the shape of a tire cover, thereby to comprise:

(1) a cylindrical panel sized to extend circumferentially around the tire in confronting relation to said tread surface;

(2) a face panel joined to said cylindrical panel and sized to extend alongside the sidewall surface and across the wheel area;

(i) said face panel having a display surface adapted to display the design;

(b) contacting the display surface with a transfer pattern thereby to transfer a design to said display surface, wherein said transfer pattern comprises:

- (1) a substrate having a surface;
- (2) a first pigmented material disposed on said surface,
 - (i) said first pigmented material including a plurality of glass particles operative to reflect light received from a light source;
- (3) a second pigmented material overlaying at least a portion of said first pigmented material ; and
- (4) at least one adhesive material adhered to said first pigmented material and said second pigmented material in a primary design pattern that has at least a first design portion and a second design portion,
 - (i) wherein said at least one adhesive material is adhered to said first pigmented material in a first design pattern that is congruent with said first design portion, and
 - (ii) wherein said at least one adhesive material is adhered to said second pigmented material in a second design pattern that is congruent with said second design portion; and

(c) removing said substrate thereby to remove portions of said first pigmented layer.

11. (Original) A method according to claim 10 wherein the step of forming includes forming a vinyl material in the shape of a tire cover.

12. (Original) A method according to claim 10 including joining said cylindrical panel to said face panel by stitching.

13. (Original) A method according to claim 10 wherein said second pigmented material includes a plurality of glass particles operative to reflect light received from a light source.

14. (Original) A method according to claim 10 wherein said second pigmented material does not include a plurality of glass particles operative to reflect light received from a light source.

15. (Original) A method according to claim 10 wherein said first pigmented material is colored a first color and wherein said second pigmented material is colored a second color that is different from said first color.

16. (Canceled).

17. (Previously presented) A method according to claim 10 wherein said substrate and said first pigmented material are formed together as a transfer film.

18. (Previously presented) A method according to claim 10 wherein said first pigmented material comprises an ink.

19. (Original) A method according to claim 10 wherein said at least one adhesive material is a hot-melt adhesive

20. (Original) A method according to claim 10 wherein the step of contacting includes applying pressure to said transfer pattern and said display surface.

21. (Original) A method according to claim 10 wherein the step of contacting includes applying heat to said transfer pattern and said display surface.

22. (Withdrawn) A transfer pattern for use in transferring a reflective design to a display surface, comprising:

(a) a substrate having a surface;

- (b) a first pigmented material disposed on said surface,
 - (1) said first pigmented material including a plurality of glass particles operative to reflect light received from a light source;
- (c) a second pigmented material overlaying at least a portion of said first pigmented material ; and
- (d) at least one adhesive material adhered to said first pigmented material and said second pigmented material in a primary design pattern that has at least a first design portion and a second design portion,

- (1) wherein said at least one adhesive material is adhered to said first pigmented material in a first design pattern that is congruent with said first design portion, and

- (2) wherein said at least one adhesive material is adhered to said second pigmented material in a second design pattern that is congruent with said second design portion.

23. (Withdrawn) A transfer pattern according to claim 22 wherein said second pigmented material includes a plurality of glass particles operative to reflect light received from a light source.

24. (Withdrawn) A transfer pattern according to claim 22 wherein said second pigmented material does not include a plurality of glass particles operative to reflect light received from a light source.

25. (Withdrawn) A transfer pattern according to claim 22 wherein said first pigmented material is colored a first color and wherein said second pigmented material is colored a second color that is different from said first color.

26. (Withdrawn) A transfer pattern according to claim 22 wherein a first adhesive material is adhered to said first pigmented material and a second adhesive

material is adhered to said second pigmented material, wherein said first adhesive material is different from said second adhesive material.

27. (Withdrawn) A transfer pattern according to claim 22 wherein said substrate and said first pigmented material together comprise a Scotchlite™ Transfer Film manufactured by 3M Corporation.

28. (Withdrawn) A transfer pattern according to claim 22 wherein said first pigmented material comprises an ink manufactured by 3M Corporation.

29. (Withdrawn) A transfer pattern according to claim 22 wherein said first design portion is contiguous with at least some of said second design portion.

30. (Withdrawn) A transfer pattern according to claim 22 wherein said first design portion is not contiguous with said second design portion.

31. (Withdrawn) A transfer pattern according to claim 22 wherein said at least one adhesive material is a hot-melt adhesive.

32. (Withdrawn) A method of forming a transfer pattern for use in transferring a reflective design to a display surface, comprising:

(a) providing a substrate having disposed on a surface thereof a first pigmented material,

(1) said first pigmented material including a plurality of glass particles operative to reflect light received from a light source;

(b) overlaying a second pigmented material over at least a portion of said first pigmented material ; and

(c) adhering at least one adhesive material to said first pigmented material and said second pigmented material in a primary design pattern that has at least a first design portion and a second design portion,

(1) wherein said at least one adhesive material is adhered to said first pigmented material in a first design pattern that is congruent with said first design portion, and

(2) wherein said at least one adhesive material is adhered to said second pigmented material in a second design pattern that is congruent with said second design portion.

33. (Withdrawn) A method according to claim 32 wherein the step of overlaying includes screen printing said second pigmented material over at least a portion of said first pigmented material.

34. (Withdrawn) A method according to claim 32 wherein the step of adhering includes heating said at least one adhesive material.

35. (Withdrawn) A method according to claim 32 wherein said first pigmented material is colored a first color and wherein the step of overlaying said second pigmented material includes overlaying said second pigmented material of a second color that is different from said first color.

36. (Withdrawn) A method according to claim 32 wherein the step of adhering includes adhering a first adhesive material to said first pigmented material and adhering a second adhesive material to said second pigmented material, wherein said first adhesive material is different from said second adhesive material.

37. (Withdrawn) A method according to claim 32 wherein the step of providing said substrate comprises providing a Scotchlite™ Transfer Film manufactured by 3M Corporation.

38. (Withdrawn) A method according to claim 32 wherein the step of providing said substrate includes providing a substrate having disposed on a surface thereof an ink manufactured by 3M Corporation.

39. (Withdrawn) A method according to claim 32 wherein said first design portion is contiguous with at least some of said second design portion.

40. (Withdrawn) A method according to claim 32 wherein said first design portion is not contiguous with said second design portion.

41. (Withdrawn) A method according to claim 32 wherein the step of adhering comprises adhering a hot-melt adhesive to at least one of said first pigmented material and said second pigmented material.

42. (Withdrawn) A transfer pattern for use in transferring a reflective design to a display surface, comprising:

(a) a substrate having a surface;

(b) a first pigmented material disposed on said surface in a first design pattern having an outer boundary,

(1) said first pigmented material including a plurality of glass particles operative to reflect light received from a light source;

(c) a second pigmented material disposed on said surface in a second design pattern having an inner boundary,

(1) the inner and outer boundaries being contiguous with one another; and

(d) at least one adhesive material adhered to said first pigmented material in confronting relation to said first design pattern and adhered to at least a portion of said second pigmented material.

43. (Previously presented) A method of manufacturing a tire cover adapted to extend over a tire that includes a tread surface, an annular sidewall surface and a wheel area, comprising:

(a) forming a material in the shape of a tire cover, thereby to comprise:

- (1) a cylindrical panel sized to extend circumferentially around the tire in confronting relation to said tread surface;
- (2) a face panel joined to said cylindrical panel and sized to extend alongside the sidewall surface and across the wheel area;
 - (i) said face panel having a display surface adapted to display the design;
- (b) contacting the display surface with a transfer pattern thereby to transfer a design to said display surface, wherein said transfer pattern comprises:
 - (1) a substrate having a surface;
 - (2) a first pigmented material disposed on said surface,
 - (i) said first pigmented material including a plurality of glass particles operative to reflect light received from a light source;
 - (3) a second pigmented material overlaying at least a portion of said first pigmented material ; and
 - (4) a first adhesive material adhered to said first pigmented material and a second adhesive material adhered to said second pigmented material in a primary design pattern that has at least a first design portion and a second design portion,
 - (i) wherein said first adhesive material is adhered to said first pigmented material in a first design pattern that is congruent with said first design portion,
 - (ii) wherein said second adhesive material is adhered to said second pigmented material in a second design pattern that is congruent with said second design portion, and

(iii) wherein said first adhesive material is different from said second adhesive material.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None